

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

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1. (currently amended) A ~~submicron-reconstitute~~ preliposome-lyophilate comprising lipid and a non-lipid surfactant, wherein the lyophilate (a) was made by a method comprising lyophilizing a composition lacking liposomes; and (b) has the ability to form liposomes having a median diameter of less than 1  $\mu$ m upon reconstitution with aqueous solution.
2. (cancelled)
3. (cancelled)
4. (currently amended) The ~~submicron-reconstitute~~ preliposome-lyophilate of claim 1 wherein said surfactant is nonionic.
5. (currently amended) The ~~submicron-reconstitute~~ preliposome-lyophilate of claim 4 wherein said surfactant is a ~~Tween~~ polyoxyethylene sorbitan carboxylate surfactant.
6. (currently amended) The ~~submicron-reconstitute~~ preliposome-lyophilate of claim 5 wherein said surfactant is ~~Tween-20~~ polyoxyethylene sorbitan monolaurate.
7. (currently amended) The ~~submicron-reconstitute~~ preliposome-lyophilate of claim 6 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the preliposome-lyophilate.
8. (currently amended) The ~~submicron-reconstitute~~ preliposome-lyophilate of claim 1 wherein said surfactant comprises from about 5 mole % to about 0.1 mole % of the lipid content of the preliposome-lyophilate.

9. (currently amended) The ~~submicron-reconstitute~~ preliposome-lyophilate of claim 8 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the preliposome-lyophilate.

Claims 10-51 (cancelled)

52. (currently amended) The ~~submicron-reconstitute~~ preliposome-lyophilate of claim 1, said preliposome lyophilate being halogenated solvent-free.

53. (currently amended) A preliposome-lyophilate comprising lipid and a non-lipid surfactant and capable of forming, wherein said lyophilate (a) was made by a method comprising lyophilizing a composition lacking liposomes, and (b) has the ability to form liposomes having an average a median diameter of less than 400 nm when reconstituted in aqueous solution.

54. (previously presented) The preliposome-lyophilate of claim 53 wherein said surfactant is nonionic.

55. (previously presented) The preliposome-lyophilate of claim 54 wherein said nonionic surfactant is selected from the group consisting of polyoxyethylene sorbitan monolaurate having a molecular weight of approximately 1300 and polyoxyethylene sorbitan monooleate having a molecular weight of approximately 1350.

56. (cancelled)

57. (currently amended) A ~~submicron-reconstitute~~ preliposome-lyophilate ~~product~~, said lyophilate having the ability to form liposomes having a median diameter of less than 400 nm upon reconstitution with aqueous solution; said lyophilate being produced by a process comprising:

- (a) preparing a ~~solution~~ composition comprising at least one lipid dissolved in an aqueous/t-butanol solvent system and a non-lipid surfactant

wherein said solution does not contain liposomes at the time of lyophilization;  
and

(b) lyophilizing said solution composition to form a submicron-  
reconstitute said preliposome-lyophilate, wherein said composition does not  
comprise liposomes at the time of said lyophilizing.

58. (cancelled)

59. (currently amended) The ~~product~~ lyophilate of claim ~~58~~ 57 wherein said surfactant is nonionic.

60. (currently amended) The ~~product~~ lyophilate of claim 59 wherein said surfactant is a ~~Tween~~ polyoxyethylene sorbitan carboxylate surfactant.

61. (currently amended) The ~~product~~ lyophilate of claim 60 wherein said surfactant is ~~Tween-20~~ polyoxyethylene sorbitan monolaurate.

62. (currently amended) The ~~product~~ lyophilate of claim 60 wherein said surfactant is ~~Tween-80~~ polyoxyethylene sorbitan monooleate.

63. (currently amended) The ~~product~~ lyophilate of claim 61 or claim 62 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the lyophilate.

64. (currently amended) The ~~product~~ lyophilate of claim ~~58~~ 57 wherein said surfactant comprises from about 5 mole % to about 0.1 mole % of the lipid content of the lyophilate.

65. (currently amended) The ~~product~~ lyophilate of claim 64 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the lyophilate.

66. (currently amended) A lyophilate comprising at least one lipid and a non-lipid surfactant ~~of about 4 mole % or less of lipid content,~~ said surfactant being present in an

amount less than 4 mole % of the lipid content of said lyophilate, wherein said lyophilate was made by a method comprising lyophilizing a composition lacking liposomes, and wherein said lyophilate is capable of forming liposomes in about one minute with hand-shaking upon addition of aqueous solution, which said liposomes have an average having a median diameter of less than 400 nm.

67. (previously presented) The lyophilate of claim 66 further comprising a bioactive agent.

68. (previously presented) The lyophilate of claim 66 wherein said surfactant is nonionic.

69. (currently amended) The lyophilate of claim 68 wherein said surfactant is a ~~Tween~~ polyoxyethylene sorbitan carboxylate surfactant.

70. (currently amended) The lyophilate of claim 69 wherein said surfactant is ~~Tween-20~~ polyoxyethylene sorbitan monolaurate.

71. (currently amended) The lyophilate of claim 69 wherein said surfactant is ~~Tween-80~~ polyoxyethylene sorbitan monooleate.

72. (previously presented) The lyophilate of claim 67 wherein the bioactive agent is selected from the group consisting of an antifungal agent, an antineoplastic agent, an antibiotic, an adjuvant, a vaccine, a contrast agent, a diagnostic agent, a drug targeting agent and a genetic fragment.

73. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is an antifungal agent.

74. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is an antineoplastic agent.

75. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is an antibiotic.
76. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is an adjuvant.
77. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a vaccine.
78. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a contrast agent.
79. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a diagnostic agent.
80. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a drug targeting agent.
81. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a genetic fragment.
82. (new) The preliposome-lyophilate of claim 5 wherein said surfactant is polyoxyethylene sorbitan monooleate.
83. (new) The preliposome-lyophilate of claim 1 wherein said surfactant is present in an amount less than 4 mole % of the lipid content of said lyophilate.
84. (new) The preliposome-lyophilate of claim 1 wherein said reconstitution is achieved by hand-shaking for about one minute upon addition of said aqueous solution.
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